

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RANDY E. PERKINS,)
Petitioner,) No. C 07-6185 CRB (PR)
vs.) ORDER
JAMES A. YATES, Warden,) (Doc # 5)
Respondent.)

Petitioner's motion for reconsideration (doc # 5) of the court's December 11, 2007 order of dismissal is DENIED.

"Petitioner must wait until the Supreme Court of California rules on the merits of his state habeas petition before seeking federal habeas relief." Dec. 11, 2007 Order at 2. It matters not that the claim pending before the state high court will not be brought in federal court. See id. (citing Sherwood v. Tomkins, 716 F.2d 632, 634 (9th Cir 1983)).

SO ORDERED.

DATED: January 3, 2008


CHARLES R. BREYER
United States District Judge